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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,964

12/01/2003

Diskin Elon

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2857

27317

7590

07/11/2006

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EXAMINER

THOMAS, LUCY M

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/725,964

Applicant(s)

ELON, DISKIN

Examiner

Lucy Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 2-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-33, 36-40, 41-42, and 44 is/are allowed.
- 6) ☒ Claim(s) 1, 23, 34, 35 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 36-40 are rejoined as they depend on Claim 26, further limits the elements of Claim 26.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ware (US 2,280,327). Regarding Claim 1, Ware discloses an electrostatic discharge system for a road vehicle (Figure 1-5) comprising at least one electrically conducting conductor element 13 in electrical contact with an electrically conducting part of the vehicle body; actuation means 10 mountable to said vehicle, said actuation means adapted for selectively and reversibly moving said conductor element between a deployed position and a retracted position, wherein in said deployed position said conductor element is in contact with the ground such as to provide an electrical pathway for electric charge from said electrically conducting part of the vehicle body to the ground, and wherein said retracted position said conductor element is distanced from the ground such as to interrupt said electrical pathway; and control means 14 operatively connected said actuating means and to a user interface, adapted for

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controlling operation of said actuation means responsive to an interaction with said user interface (Column 2, lines 53-55, Column 3, lines 1-7). The device disclosed by Ware is readily retractable to clear off the road (Page 1, Column 2, lines 19-22) or selectively and reversibly switched between deployed and retracted position. Therefore, the reference meets the claim limitations.

The recited steps of method claim 43 would necessarily be performed when using the electrostatic discharge system disclosed in Claim 1. Therefore, please see the rejection for Claim 1 recited above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ware (US 2,280,327) in view of Wilson et al. (US 3,148,833). Regarding Claim 23, Ware does not disclose that said actuation means are powered by suitable power means including any one of pneumatic, electrical or hydraulic power means. Wilson discloses an actuation means (see Figure 10) powered by suitable power means including any one of pneumatic, electrical or hydraulic. It would have been obvious to those skilled in art at the time the invention was made to modify Ware's system with an actuation means powered by suitable power means as taught by Wilson, because powered actuation means facilitates more operational convenience, control and speed.

The device disclosed by Ware is readily retractable to clear off the road (Page 1, Column 2, lines 19-22) or selectively and reversibly switched between deployed and retracted position. Therefore, the reference meets the claim limitations.

Regarding Claim 34, Ware discloses a housing mountable to an underside of a said vehicle (Column 2, lines 8-12, 19-23). Regarding Claim 35, Ware discloses the system, further comprising an electrical conductor 14 fixed to the electrically conducting part of the vehicle and to the conductor element (see Figures 1, 4).

***Allowable Subject Matter***

6. Claims 24-33, 36-40, 41-42, and 44 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: Amendments are made to Claims 24, 41 and 44 to overcome the objections set forth in the Office Action on 2/08/2006. Claims 25-33, and 36-40 depend on Claim 24, and Claim 42 depends on Claim 41.

***Response to Arguments***

8. Applicant's arguments filed on 2/08/2006 have been fully considered.

Regarding Applicant's arguments toward Ware reference: The device disclosed by Ware is readily retractable to clear off the road (Page 1, Column 2, lines 19-22) or selectively and reversibly switched between deployed and retracted position. Therefore, the reference meets the limitations of independent claim 1.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy Thomas whose telephone number is 571-272-6002. The examiner can normally be reached on Monday - Friday 8:00 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LT  
July 05, 2006



BURTON S. MULLINS  
PRIMARY EXAMINER